

## **MINUTES**

### **MONTANA SENATE 60th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** By **VICE CHAIRWOMAN LYNDA MOSS**, on March 20, 2007  
at 9:00 A.M., in Room 303 Capitol.

#### **ROLL CALL**

##### **Members Present:**

Sen. Lynda Moss, Vice Chairwoman (D)  
Sen. Aubyn Curtiss (R)  
Sen. Larry Jent (D)  
Sen. Dan McGee (R)  
Sen. Jerry O'Neil (R)  
Sen. Gerald Pease (D)  
Sen. Carol Williams (D)

##### **Members Excused:**

Sen. Jesse Laslovich, Chairman (D)  
Sen. Carol C. Juneau (D)  
Sen. Jim Shockley (R)  
Sen. Gary L. Perry (R)  
Sen. David E. Wanzonried (D)

**Members Absent:** None.

**Staff Present:** Carol Andersen, Committee Secretary  
Valencia Lane, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: HB 256, 3/12/2007; HB 341,  
3/12/2007; HB 397, 3/12/2007; HB  
585, 3/12/2007  
Executive Action: HB 341, HB 585, HB 397, HB 491,  
HB 435

HEARING ON HB 585

Opening Statement by Sponsor:

00:02:32 REP. JIM KEANE (D), HD 75, opened the hearing on HB 585, Additional duties for county commissioners.

Proponents:

00:03:23 Bill Kennedy, Yellowstone County Commissioner

00:04:28 Greg Chilcott, Ravalli County Commissioner

Opponents: None.

Informational Testimony: None.

Questions from Committee Members and Responses: None.

Closing by Sponsor:

00:05:36 Rep. Keane

HEARING ON HB 256

Opening Statement by Sponsor:

00:05:48 REP. BOB LAKE (R), HD 88, opened the hearing on HB 256, Revise realty laws regarding tenancies in common.

[EXHIBIT\(jus59a01\)](#)

Proponents:

00:12:08 Jeff Warr, Real Estate Attorney, Tenant-in-Common Association

00:20:40 Glenn Oppel

Opponents:

00:21:30 Greg Paul, Vice President, Tenant-in-Common Association

**Informational Testimony:**

00:31:26 Lynne Egan, Deputy Commissioner for State Auditor

**Questions from Committee Members and Responses:**

00:33:07 Sen. Jent to Greg Paul

00:34:36 Sen. Jent to Lynne Egan

00:40:45 Sen. McGee to Rep. Lake

00:44:02 Sen. McGee to Jeff Warr

00:45:48 Sen. McGee to Rep. Lake

00:52:49 Sen. McGee to Greg Paul

**EXHIBIT(jus59a02)**

00:54:42 Sen. O'Neil to Rep. Lake

00:55:46 Sen. Moss to Lynne Egan

**Closing by Sponsor:**

00:58:49 Rep. Lake

**HEARING ON HB 397**

**Opening Statement by Sponsor:**

01:02:51 **REP. JOHN WARD (R), HD 84**, opened the hearing on **HB 397**, Expand lien on vehicle to include certain personal property inside vehicle.

**Proponents:**

01:07:17 Bob Gilbert, Montana Tow Truck Association

01:08:46 K. C. Collins, Inland Towing, Helena

01:11:34 Jim Dusenberry, President, Montana Tow Truck Association

**EXHIBIT(jus59a03)**

**Opponents:**

01:14:59 Dave Drynan

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

01:18:47 Sen. O'Neil to Dave Drynan

01:22:01 Sen. McGee to Bob Gilbert

01:24:17 Sen. Shockley to Bob Gilbert

**Closing by Sponsor:**

01:25:40 Rep. Ward

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**HEARING ON HB 341**

**Opening Statement by Sponsor:**

01:27:22 **REP. DAVE GALLIK (D), HD 79**, opened the hearing on **HB 341**, Revise jury pool laws.

**Proponents:**

01:31:35 Robert Throssell, Montana Association of Clerks and  
Recorders

01:32:29 Shirley Faust, Missoula County Clerk of District Court

**EXHIBIT(jus59a04)**

01:39:52 Elaine Graveley, Election Deputy for Secretary of State

01:40:58 Brenda Nordlund, Department of Justice

**Opponents:** None.

**Informational Testimony:**

01:42:11 Mary Phippen, Montana Association of Clerks of  
District Court

**Questions from Committee Members and Responses:**

01:42:37 Sen. Shockley to Rep. Gallik

01:44:37 Deferred to Shirley Faust

01:46:16 Sen. McGee to Shirley Faust

01:49:49 Sen. O'Neil to Shirley Faust

01:51:46 Sen. Juneau to Rep. Gallik

01:53:15 Deferred to Shirley Faust

**Closing by Sponsor:**

01:54:46 Rep. Gallik

**EXECUTIVE ACTION ON HB 341**

01:55:59 Sen. Shockley

01:56:07 Sen. Laslovich

01:57:32 **Motion:** SEN. SHOCKLEY moved that HB 341 BE CONCURRED  
IN.

**Discussion:**

01:57:56 Sen. O'Neil

01:58:26 Sen. Juneau

01:58:48 Sen. Wanzenried

01:59:12 Shirley Faust

01:59:44 Sen. Juneau

02:00:41 Sen. Shockley

02:00:53 Sen. O'Neil

02:01:24 Shirley Faust

02:01:50 Sen. Curtiss

02:02:22 Shirley Faust

02:03:49 Motion/Vote: SEN. WANZENRIED CALLED THE QUESTION ON HB 341. Motion carried 9-1 by voice vote with SEN. CURTISS voting no. SEN. WANZENRIED will carry HB 341.

EXECUTIVE ACTION ON HB 585

02:05:26 Motion: SEN. MOSS moved that HB 585 BE CONCURRED IN.

Discussion:

02:05:37 Sen. O'Neil

02:06:16 Sen. Curtiss

02:07:40 Motion/Vote: SEN. SHOCKLEY CALLED THE QUESTION ON HB 585. Motion carried 6-4 by voice vote with SEN. CURTISS, SEN. LASLOVICH, SEN. MCGEE, and SEN. WANZENRIED voting no. SEN. SHOCKLEY will carry HB 585.

EXECUTIVE ACTION ON HB 397

02:09:09 Motion: SEN. MCGEE moved that HB 397 BE CONCURRED IN.

Discussion:

02:09:21 Sen. McGee

02:10:38 Sen. O'Neil

02:12:08 Sen. McGee

02:12:12 Sen. O'Neil

02:12:17 Sen. McGee

02:12:23 Motion/Vote: SEN. WANZENRIED CALLED THE QUESTION ON HB 397. Motion carried 9-1 by voice vote with SEN. JUNEAU voting no. SEN. PEASE will carry HB 397.

EXECUTIVE ACTION ON HB 491

[EXHIBIT](#)(jus59a05)

02:14:25 Motion: SEN. MCGEE moved that HB 491 BE CONCURRED IN.

Discussion:

02:15:11 Sen. O'Neil

02:16:08 **SEN. MCGEE** withdrew his motion.

EXECUTIVE ACTION ON HB 435

02:16:43 Motion: **SEN. MCGEE** moved that HB 435 BE CONCURRED IN.

Discussion:

02:16:53 Motion: **SEN. JENT** moved that HB043501.AVL BE ADOPTED.

Discussion:

[EXHIBIT\(jus59a06\)](#)

02:19:40 Sen. Wanzenried

02:20:24 Sen. Jent

02:21:12 Motion/Vote: **SEN. WANZENRIED** CALLED THE QUESTION ON AMENDMENT. Motion carried 9-1 by voice vote with **SEN. WANZENRIED** voting no.

02:21:32 Motion: **SEN. MCGEE** moved that HB 435 BE CONCURRED IN AS AMENDED.

Discussion:

02:21:51 Sen. Laslovich

02:22:38 Valencia Lane, LSD

02:23:45 Sen. Laslovich

02:24:27 Sen. O'Neil

02:25:25 Sen. Laslovich

02:26:44 Sen. Curtiss

02:27:09 Valencia Lane

02:27:20 Sen. Curtiss

02:27:46 Sen. McGee

02:30:44 Valencia Lane

02:31:32 Sen. O'Neil

02:32:21 Sen. Wanzienried

02:32:26 **SEN. MCGEE withdrew his motion that HB 435 BE CONCURRED  
IN AS AMENDED.**



**ADJOURNMENT**

Adjournment: 11:35 A.M.

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SEN. JESSE LASLOVICH, Chairman

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CAROL ANDERSEN, Secretary

JL/ca

Additional Exhibits:

**EXHIBIT ([jus59aad.pdf](#))**